

REMARKS

The independent claims are claims 1, 11, 15, and 18. All independent claims and dependent claims 1-21 are rejected.

The independent claims 1, 11, 15, and 18 are rejected as obvious under 35 U.S.C. § 103(a) from *Lilenfeld* (U.S. Patent No. 6,819,557) in view of a new reference: *Eichstaedt* (DE3600616). The new *Eichstaedt* reference is for a pantograph boom.

A pantograph is a device used for mechanical copying of maps or diagrams on any desired scale. The pantograph boom of *Eichstaedt* is specifically designed for use during archeological digs, which is a very different field of endeavor than the present claimed use with a touch-sensitive screen.

The Office Action concedes that *Lilenfeld* fails to disclose an extendable instrument having a pivoting scissors-type construction, but contends that this feature is provided by the pantograph boom of *Eichstaedt*. Applicant respectfully submits that even a person aware of the widely divergent teachings of *Lilenfeld* and *Eichstaedt* would never have thought to combine them into the present invention, because doing so requires that the scissors-type extendable instrument be hand-held. See page 5 of the application as originally filed, lines 24-27 which supports the present amendment of the independent claims.

No one looking at *Eichstaedt* would have thought to hold the scissors-type extendable instrument in his hand. On the contrary, *Eichstaedt* teaches away from this present claimed feature; the abstract of *Eichstaedt* says that the boom is hinged to both an axis (12) as well as being hinged to the sleeve (16) of a steering rod (18) that is used to steer the boom, which is completely inconsistent with a hand-held boom. Applicant notes that the steering rod (18) must be considered here, because a prior art reference must be considered in its entirety, including portions that lead away from the present claimed invention. See MPEP § 2141.02 (VI). *Eichstaedt* requires that the boom be steered indirectly using a rod to which the boom is hinged, instead of having a handheld boom (i.e. steered directly by hand).

The boom of a pantograph is sufficiently large that one could easily get one's fingers caught in the scissors-type boom, and thus *Eichstaedt* says that steering is done by the rod (18) without even touching the scissors-type boom. In contrast, the scissors-type instrument of the present claims is based on the realization that it is small enough to be handheld, and that consequently the spaces in the scissors-type instrument must necessarily be too small for getting one's fingers (or entire hand) caught therein.

Regarding the rejection of mobile terminal claim 11, Applicant also respectfully reiterates that *Lilenfeld* does not disclose an enclosure configured to store the stylus in a *folded* configuration. The Office Action (see bottom of page 8) points to figure 2b of *Lilenfeld*, but that discloses an enclosure for storing the stylus 200 in an *unfolded* configuration. The Office Action (see top of page 9) also points to *Eichstaedt*'s figure 1, but that figure shows no enclosure for storing the stylus, in either folded or unfolded configurations.

Furthermore, another novel feature of present claim 1 is "at least one additional hinge or joint" that connects the additional element to part of the extendable instrument. These hinges or joints are, for example, joints 220 and 225 in FIG. 2 of the present application, which supports new claim 22. Claim 1 is also now amended to clarify that the additional element "has" (rather than "supports") a stylus tip for contacting a touch-sensitive screen.

In contrast, the additional element in *Eichstaedt*'s figure 1 does not have a stylus tip at location 46, and instead supports a stylus 24. The Office Action relies (at page 9) upon *Eichstadt* for this feature, and the present amendment of claim 1 thus distinguishes over *Eichstaedt*, and new claim 22 further distinguishes from *Eichstadt*.

Likewise, *Lilenfeld* does not teach or suggest "at least one additional hinge or joint" that connects the additional element to part of the extendable instrument. As mentioned, these elements are, for example, joints 220 and 225 in FIG. 2 of the present application. The Office Action addresses this feature in the penultimate paragraph on page 4; line 5 of that paragraph points to element 242 of *Lilenfeld*, but line 3 of that paragraph already pointed to element 242. Therefore, Applicant respectfully submits that the Office Action has not pointed to an "*additional*" hinge or joint.

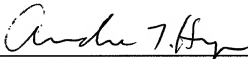
CONCLUSION

Because the cited references do not teach or suggest critical elements of the present amended independent claims, it is respectfully submitted that the present claims are novel and patentable. Early allowance of the pending claims is therefore earnestly solicited. Applicant would be grateful if the Examiner would please contact Applicant's attorney by telephone if the Examiner detects anything in the present response that might hinder a speedy allowance.

Respectfully submitted,

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